

REMARKS

Claims 2-6, 8-13, and 15-20 are pending in the application. Claims 2-6, 8-13, and 15-20 stand rejected. Claims 3, 8, and 16 are independent claims.

Claims 3 and 8 stand rejected under 35 U.S.C §102(a) as allegedly being anticipated by Inoue *et al.* (U.S. 6,304,687) (“Inoue”).

Claims 3 recites an athermal arrayed-waveguide grating comprising “an input waveguide; a first slab having a first layer, said first layer being contiguous to the input waveguide.” Claim 8 recites an optical-waveguide device similar to the athermal arrayed-waveguide of claim 3.

According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated only if a single prior art reference **set forth each and every feature** recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)), **including the feature in functional language** (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ.2d 1429 (Fed. Cir. 1997)).

In rejecting claim 3 and 8, the Patent Office indicates that the present input waveguide is set forth with the waveguide 2; the present first slab waveguide is set forth with the first slab waveguide 3; and the present first layer is set forth with the silicone resin 10 disposed in the slab waveguide 3 (the present Office Action, page 2).

The Applicant respectfully submits that the silicone resin 10 of Inoue, the resin which the Patent Office equates with the first layer of claim 3, is not **contiguous to** the input waveguide. Instead, the resin 10 is contiguous to the left and right portions of the first slab waveguide, and **disposed apart** from the input waveguide 2.

Therefore, Inoue does not set forth or anticipate the athermal arrayed-waveguide grating comprising “an input waveguide; a first slab having a first layer, said first layer being

contiguous to the input waveguide,” as recited in claim 3, or the optical-waveguide device, as recited in claim 8.

The Applicant respectfully requests withdrawal of the rejections.

Claim 16 stands rejected under 35 U.S.C §102(a) as allegedly being anticipated by Inoue.

Claim 16 recites a method of manufacturing an optical-waveguide device comprising the steps of “forming an input waveguide; forming a first slab having a first layer and a second layer..., both layers having respective first and second ends, the first end of the first layer being contiguous to said one end of the input waveguide.”

As noted above, Inoue, contrary to the present invention, discloses an arrayed waveguide grating comprising a silicone resin 10, the resin which the Patent Office equate with the first layer, being contiguous to left and right portions of the first slab waveguide, and disposed apart from the input waveguide 2.

As such, Inoue does not set forth or anticipates a method of manufacturing an optical-waveguide device comprising the steps of “forming an input waveguide; forming a first slab having a first layer and a second layer..., both layers having respective first and second ends, the first end of the first layer being contiguous to said one end of the input waveguide,” as recited in claim 16.

The Applicant respectfully requests withdrawal of the rejections.

Other claims in this application are each dependent on the independent claims 3, 8, and 16 and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Amendment
Serial No. 10/625,161

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



By: Steve Cha
Attorney for Applicant
Registration No. 44,069

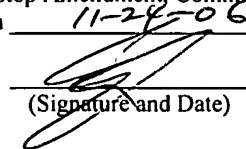
Date: 11-24-06

Mail all correspondence to:
Steve Cha, Registration No. 44,069
Cha & Reiter
210 Route 4 East, #103
Paramus, NJ 07652
Tel: 201-226-9245
Fax: 201-226-9246

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11-24-06.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)



(Signature and Date)